

RAYMOND C. CABALLERO  
MAYOR



## CITY COUNCIL

JAN SUMRALL  
DISTRICT NO. 1

ROSE RODRIGUEZ  
DISTRICT NO. 2

LARRY M. MEDINA  
DISTRICT NO. 3

JOHN COOK  
DISTRICT NO. 4

DANIEL S. POWER  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

LUIS G. SARIÑANA  
DISTRICT NO. 7

ANTHONY COBOS  
DISTRICT NO. 8

REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
MAY 7, 2002  
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Paul Joseph Escobar, Luis G. Sariñana and Anthony Cobos. Absent: None. Meeting was called to order and the invocation was given by Pastor D.K. Lee, El Paso Korean Baptist Church, followed by the Pledge of Allegiance to the Flag of the United States of America.

Mayor's Presentations

1. Nurses Week - May 6-12
2. 2002 Nurse of the Year - Mary Ann Friesen
3. Knights of Columbus Week - May 16-20
4. El Paso National Association of Letter Carriers Food Drive Day - May 11
5. National Pet Week - May 5-11
6. Parks and Recreations Department received the Class I Arts and Humanities Award from the Southwest Regional Council of the National Recreation and Parks Association in recognition of "Fiesta Caliente"
7. Charlie Nutter receiving Conquistador Award
8. "Employer of the Year" award being presented to the City of El Paso from El Paso High School
9. Goodwill Industries Week - May 6-12
10. Veterans of Foreign War (VFW)

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

**THAT** the Mayor be authorized to sign an Agreement between the City of El Paso and the El Paso Hispanic Chamber of Commerce to co-sponsor a seminar on NAFTA & Foreign-Trade Zones (FTZ) at the Marriott Hotel on June 20, 2002.

Motion made by Representative Medina, seconded by Representative Sariñana, and unanimously carried to approve the above Resolution.

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## RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City, accept a donation of various advertising and media services in connection with the development of a "Be Wise, Don't Drink and Drive" campaign for the El Paso Police Department from Lopez Advertising Group, Inc. The approximate value of the donation is \$10,000.00.

Chief Carlos Leon, Police Department, commented on the number of fatal traffic accidents of which many involved young people, speeding and/or drinking. He thanked Mr. Lopez for his assistance and encouraged all businesses to place the bumper sticker on their doors. He noted that City vehicles would be displaying the bumper stickers and explained that billboards throughout the City would display the message, as well.

Mr. Joe Lopez, Lopez Advertising, commented that they would be encouraging teenagers not to drink and drive. He proceeded to mention the commercial that they will have in English and Spanish, the bumper sticker, and a billboard that would be displayed year round. He thanked Eller Media for their assistance and KBNA for their assistance with distributing the bumper stickers at area schools.

Motion made by Representative Medina, seconded by Representative Cobos, and unanimously carried to approve the above Resolution.

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No action was taken on the presentation by Terry Williams and Said Larbi-Cherif from Building Services, announcing the start up of the new permitting, licensing, enforcement software and other Building Services Department initiatives.

Mr. Terry Williams, Deputy Director of Building Services, made opening comments and introduced Mr. Said Larbi-Cherif, who made the presentation.

Representative Cook asked several questions of Mr. Larbi-Cherif, who responded that the department was currently investigating the possibility of placing forms/applications, etc. on the City's web site and explained that the software has the capability of processing many varying reports, studies, etc. He stated that the archiving would be digitized and that the Information Technology Department would be providing this assistance.

Representative Medina questioned what the timeframe(s) was.

Mr. Larbi-Cherif stated that on May 15, 2002, the Building Services Department would go "live" and begin issuing permits and licenses and noted the dates when the City departments would have access to the software. He stated that Building Services Department would investigate other site options.

Mr. Williams stated that the department was investigating satellite offices in two modes--one for the inspectors and the other to allow the public and customer base access to the records from remote sites.

Mayor Raymond C. Caballero thanked Mr. Williams and Mr. Larbi-Cherif.

Mr. Danny Salazar, Executive Director of the El Paso Association of Builders, member of BZAC and Chair of the Fair Housing Task Force, congratulated Mr. Williams and Mr. Larbi-Cherif and applauded the system. He commented on the need for staff updating.

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Motion made by Representative Medina, seconded by Representative Sumrall, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted. (Items approved under Consent Agenda will be shown with an asterisk {\*}).

Representative Medina was not present for the vote. Mr. Medina stepped away from the meeting at the time the vote was polled.

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\*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meeting of December 24, 2001.  
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**\*RESOLUTION**  
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**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City of El Paso Arts Resources Department be authorized to receive a donation for the Arts in Education Program from the El Paso Independent School District for fiscal year 2003, in the amount of three thousand dollars (\$3,000). Funds will be used to present artist workshops in the schools within the District.  
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**\*RESOLUTION**  
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**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City of El Paso Arts Resources Department be authorized to receive a donation for the Arts in Education Program from the Ysleta Independent School District for fiscal year 2003, in the amount of five thousand dollars (\$5,000). Funds will be used to present artist workshops in the schools within the District.  
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**\*RESOLUTION**  
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**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City of El Paso Arts Resources Department be authorized to receive a donation for the FY02 Downtown Summer Concert Series "Alfresco" from the El Paso Downtown Management District, in the amount of one thousand one hundred and twenty dollars (\$1,120). The funds will be used for Security Guard Services at the concerts.  
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**\*RESOLUTION**  
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**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign a contract between the CITY OF EL PASO and RANCHOS DEL SOL UNIT 6 PROPERTY OWNERS ASSOCIATION, to permit the landscaping and maintenance of the street medians within Ranchos del Sol Subdivision Unit 6, El Paso, El Paso County, Texas.  
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**\*RESOLUTION**  
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**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign a contract between the CITY OF EL PASO and SUN RIDGE UNIT 9 PROPERTY OWNERS ASSOCIATION, to permit the landscaping and maintenance of the street medians within SUN RIDGE SUBDIVISION UNIT 9, El Paso, El Paso County, Texas.  
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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign an Interlocal Agreement between the CITY OF EL PASO and the UNIVERSITY OF TEXAS AT EL PASO for translations of sections of the City of El Paso website into the Spanish language for the amount of four thousand nine hundred seventy four and no/100 Dollars (\$4,974.00).

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign and submit a grant application from the City of El Paso Police Department for an Automobile Theft Prevention Grant (tenth year) in the amount of \$1,134,943.00 from the Automobile Theft Prevention Authority - State of Texas, for the purpose of continuing the efforts of the Department in reducing auto theft in El Paso County. In-Kind Match for the operation of the task force is \$1,141,192.00. The Grant Officials will be as named within the application.

That the El Paso City Council agrees in the event of loss or misuse of Auto Theft Prevention Authority Grant funds, the funds will be returned to the State of Texas and the Auto Theft Prevention Authority in full.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign and accept Modification #3 to Grant Award Cooperative Agreement #11PSWP557 relating to a federal grant to the Police Department from the Office of National Drug Control Policy, to support the West Texas HIDTA Hijack Task Force Initiative, to increase the amount of the grant by and additional \$280,376.00 for a revised total award of \$1,035,246.00. No matching funds are required.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Federal Equitable Sharing Agreement between the City of El Paso and the United States of America, Department of Justice, which sets forth the procedures and requirements for participation by the Police Department in the federal equitable sharing program (confiscated funds), effective through September 30, 2005.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a First Amendment to Professional Services Agreement between THE CITY OF EL PASO and C. ROBERT HEATH to amend the maximum fees and expenses.



**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of EIGHT THOUSAND TWO HUNDRED FIFTY AND NO/100THS DOLLARS (\$ 8,250.00 - \$7,519 loan/\$731 grant) against the following described real property:

Tract 334, LOMA TERRACE NO. 5A, SECTION ONE, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 12, Page 49, Plat Records of El Paso County, Texas; also known and numbered as 8112 Williamette Avenue, El Paso, Texas 79907.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of FIVE THOUSAND SIX HUNDRED FIFTY AND NO/100THS DOLLARS (\$ 5,650.00 - \$2,347 loan/\$3,303 grant) against the following described real property:

Lot 18, Block 24, PARKDALE ADDITION UNIT FOUR, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Book 26, Page 14, Plat Records, El Paso County, Texas; also known and numbered as 5908 Mainzer Avenue, El Paso, Texas 79905.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign on behalf of the City of El Paso a Child Care Local Initiative Agreement with the Texas Workforce Commission and the Upper Rio Grande Workforce Development Board in order to apply for matching federal funds in the amount of \$156,892.00, utilizing 27<sup>th</sup> Year (2001-2002) Community Development Block Grant (CDBG) funds in the amount of \$103,710.00 for the provision of child care and eligible quality improvement activities; and

That Deborah G. Hamlyn, Director of Community and Human Development, be authorized to furnish such additional information as the Texas Workforce Commission and the Upper Rio Grande Workforce Development Board may require in connection with the Application for this funding; and

That the Mayor be authorized to execute, on behalf of the City of El Paso, any amendments to the Child Care Local Initiative Agreement which increases, decreases or deobligates funds, provided that no additional City funds are required, upon approval by the Texas Workforce Commission and the Upper Rio Grande Workforce Development Board.



**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement for Engineering Services by and between the **CITY OF EL PASO** and **HUITT-ZOLLARS, INC.**, for civil engineering services for a period of two (2) years in an amount not to exceed ONE MILLION FIVE HUNDRED THOUSAND AND NO/100 (\$1,500,000.00).

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** for the El Paso Public Library and **SUZANNE MICHAELS**, to present a workshop titled "Public Speaking" on May 17, 2002 from 1:00 p.m. to 3:00 p.m. at the Speaking Rock Meeting Facilities. The total amount of the contract shall not exceed \$150.00.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ROSA MARIA JUAREZ** as a Secretary I, for the Mayor's Office at an hourly rate of \$9.98. The term of the contract shall be for the period of May 8, 2002 through May 7, 2003.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and the following individuals, as Grant Writers for the Mayor's Office at a biweekly rate of \$1,461.54 for 40 hours per week. The term of the contract shall be for the period of May 8, 2002 through May 7, 2003.

1. Tom Doyle
2. Chris Cummings
3. Sheila Elias

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract for between the **CITY OF EL PASO** for the Office of Management and Budget and **ALBERT J. DICRISTOFARO**, to provide consulting services in the preparation of the deferred compensation request for proposal. The services are to commence on May 8, 2002 and shall be completed by May 7, 2003. The Contractor shall be paid a consultation fee of \$7,500.00 plus expenses not to exceed \$2,500.00.

NOTE: Resolution was revised to read "Albert J. Dicristofaro" instead of Discristofaro as shown on the agenda.



**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with TRW to lease the company One (1) 32 Gallon Container and Three (3) 8 Gallon Baskets for a service fee of \$5.00 each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

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\*Motion made, seconded and unanimously carried to delete the item to assume the cost of maintaining lamp posts on Yandell Drive adjacent to the Concordia Cemetery as per agreement between the City of El Paso and the Concordia Heritage Association. These lamp posts were donated by the Association.  
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**\*NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 21<sup>st</sup> day of May, 2002 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 8312 Mt. Everest Drive, in El Paso, Texas, which property is more particularly described as:

Lot: 18, Block 12, Mountain View

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, The Estate of Facundo Rivera, AKA Facundo Rivera, Jr., 8312 Mt. Everest Drive, El Paso, Texas 79924, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;



III) the Owner may be confined in jail as permitted by state law and;

IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....  
\*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 21<sup>st</sup> day of May, 2002 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 2601 Fort Blvd., in El Paso, Texas, which property is more particularly described as:

Lots: 1 to 4, Block 25, Military Heights

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Bryan Haddad, 1444 Montana Avenue Suite 200, El Paso, Texas 79902-5659, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;



II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;

III) the Owner may be confined in jail as permitted by state law and;

IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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\*Motion made, seconded and unanimously carried to delete the request that the Director of Purchasing be authorized to issue Purchase Order(s) to Duncan Industries Parking Control, as they are the manufacturer and sole provider of Duncan Parking Meter parts and accessories.

Department: Street Department  
Funds Available: 04250101-508004-PMB000130 (\$99,996.00)  
04250201-508004-PMB0002130 (\$99,996.00)  
Funding Source: FY2000 Certificates of Obligation  
FY2001 Certificates of Obligation  
Award Amount: \$199,992.00

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\*Motion made, seconded and unanimously carried that a Purchase Order be made in the amount of \$233.25 to purchase McGruff Good Bags for the various Park Centers in District 2.

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\*Motion made, seconded and unanimously carried to approve the request to fill the position on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Personnel Analyst I (1)

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\*Motion made, seconded and unanimously carried to approve the following provisional appointment in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Recreation Leader III (1)

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\*Motion made, seconded and unanimously carried to appoint Richard Roman to the Civil Service Commission by Representative Cobos.

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\*Motion made, seconded and unanimously carried to appoint William Davis to the Enterprise Community Coordinating Committee by Representative Sariñana.



\*Motion made, seconded and unanimously carried to appoint Tracy J. vonMaluski to the El Paso Public Arts Commission by Representative Sariñana.

\*Motion made, seconded and unanimously carried to appoint Gregory Tucker to the Parks and Recreation Advisory Board by Representative Rodriguez.

\*Motion made, seconded and unanimously carried to appoint Irene Valenzuela to the Bond Overview Advisory Committee by Representative Medina.

\*Motion made, seconded and unanimously carried to approve installation, power, and maintenance of residential street light at the following location:

Between 3212 & 3214 Rosa Avenue for \$464.00.

\*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #M889-999-0100-1100, \$351.31 per month installments on a balance of \$4,215.72 for 1996, 1999 and 2000 taxes; Hortencia R. Herrera – 10140 Tuscany St.
- B. PID #S162-999-0240-2300, \$448.22 per month installments on a balance of \$2,689.32 for 2000 taxes; Pedro & Martha I. Chihuahua – 10733 Levelland Pl.
- C. PID #X266-999-S00B-6580, \$294.86 per month installments on a balance of \$3,538.32 for 1997, 1999, 2000 and 2001 taxes; Mary L. Montoya – 5710 Ethel.
- D. PID #S533-000-0130-17C3, \$146.40 per month installments on a balance of \$2,635.20 for 1997, 1998 & 2000 taxes; Rodolfo, Jr. & Virginia Guevara – 1109 Perlette St.
- E. PID #V893-999-1450-6100 \$256.16 per month installments on a balance of \$2,561.60 for 2001 taxes; Ronaldo E. & Patsy Noyles – 1821 Tommy Aaron.
- F. PID #C840-999-0150-9300 \$383.50 per month installments on a balance of \$2,301.00 for 2001 taxes; Inocencia M. Moya – 214 Rio Tinto Dr.

\*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Chase Manhattan Mortgage Corp., in the amount of \$3,427.45; overpayment of 2001 taxes. (PID #C007-999-0030-3750)
- B. Lorenzo Perales, in the amount of \$1,222.92; overpayment of 2001 taxes. (PID #G550-000-0230-0050)
- C. First American Real Estate Service, in the amount of \$768.40; overpayment of 2001 taxes. (PID #H454-999-0070-0900)
- D. Wells Fargo Real Estate Tax Services, LLC, in the amount of \$1,961.34; overpayment of 2001 taxes. (PID #H788-010-0480-0170)
- E. National City Mortgage, in the amount of \$4,432.32; overpayment of 2001 taxes. (PID #M344-999-0060-0700)
- F. ABN AMRO Mortgage Group, Inc., in the amount of 4,758.91; overpayment of 2001 taxes. (PID #M344-999-0180-1200)
- G. John L. and M. Olivia Wyndham, in the amount of \$1,013.20; overpayment of 2001 taxes. (PID #M638-999-0160-5700)
- H. James W. Saenz, in the amount of \$3,311.34; overpayment of 1999, 2000 and 2001 taxes. (PID #M851-999-0360-1700)
- I. GM Relocation Svcs., in the amount of \$6,581.62; overpayment of 2001 taxes. (PID #327-999-0050-0100)



- J. The Plaza Investment Trust, in the amount of \$1,595.99; overpayment of 2001 taxes.  
(PID #876-999-0010-0100)
- K. Countrywide Tax Services Corporation, in the amount of \$1,714.35; overpayment of 2001 taxes. (PID #V893-999-2580-3800)
- L. Homecomings Financial, in the amount of \$8,651.37; overpayment of 2001 taxes.  
(PID #893-999-5470-4900)
- M. Wells Fargo Home Mortgage, in the amount of \$740.26; overpayment of 2000/2001 taxes.  
(PID #V927-999-0320-4000)
- N. The Plaza Investment Trust, in the amount of 4645.04; overpayment of 2001 taxes.  
(PID #x324-000-0000-000C)

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\*Motion made, seconded and unanimously carried to award Bid No. 2002-104R Collection of Taxes

Award to: Wells Fargo Bank Texas N.A.  
El Paso, Texas  
Item(s): All  
Amount: No Cost to the City

Department: Tax Office  
Funds Available: No Cost to the City  
Funding Source: No Cost to the City  
Total Award: No Cost to the City

Tax Office and Purchasing recommends award as indicated. Wells Fargo Bank Texas, N.A. was the only firm that submitted a proposal. The Wells Fargo Bank Texas, N.A. proposal meets the City's requirements.

This is a thirty-six (36) month contract with no options to extend the contract.

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\*Motion made, seconded and unanimously carried to award Bid No. 2002-119 Herbicide

Award to: Vendor (1): Helena Chemical Co.  
Mesquite, NM  
Item(s): #1, #2, #3 & #4  
Amount: \$58,440.00 (estimated annually)

Department: Street  
Funds available: 32010200-503113  
Funding source: General Fund  
Total award: \$58,440.00

The Street Department and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a Requirements Type Contract with an initial term of Twenty-Four (24) months.

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\*Motion made, seconded and unanimously carried to award Bid No. 2002-137 .45 Caliber Semi-Automatic

Handguns  
Award to: GT Distributors, Inc.  
Austin, TX  
Item(s): 1 and 2  
Amount: \$24,300.80



Department: Police  
Funds available: 21150060-16411-P500232-508007  
Funding source: State Confiscated Funds  
Total award: \$24,300.80

The Police and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase .45 Caliber Semi-Automatic Handguns. There is no option to purchase additional quantities and no payment discount is offered.

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\*Motion made, seconded and unanimously carried to delete Bid No. 2002-144 Recycling Trailers

Award to: Environmental Marketing  
La Grange, Texas  
Item(s): 1  
Amount: \$24,850.00

Department: Solid Waste Management  
Funds available: 04250101-508029-PMB0001160  
Funding source: FY2000 Certificates of Obligation –  
Solid Waste Capital Equipment  
Total award: \$24,850.00

The Solid Waste Management, Equipment Maintenance and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase two (2) Recycling Trailers. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within ninety- (90) days from the date of award of the contract. No prompt payment discount is offered.

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\*Motion made, seconded and unanimously carried to award Bid No. 2002-114 Sunrise Shelter Roof Improvements

Contractor: HRT Roofing & Construction, Inc.  
El Paso, Texas

Department: Parks & Recreation  
Funds Available: 31131001-P501516-27074-507001  
Funding Source: 1995 CO's  
Item(s): Base Bid I \$36,767.00  
Total Award: \$36,767.00

The Departments of Engineering, Parks and Recreation, and Purchasing recommend the award of this contract to HRT Roofing & Construction Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the Deputy Director for Engineering, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.



As part of the award of this contract, the Director of Public Works is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

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 \*Motion made, seconded and unanimously carried to approve budget transfer BT2002-550 AIRPORT  
 To set up initial funding for new Global Reach Industrial Park cost center operations and to track individual cost of new Industrial Park separately.

Increase	\$ 500	to	62620039/40101/503200	BldgFac Maint
Increase	\$3,000	to	62620039/40101/503202	Landscp Maint
Increase	\$3,000	to	62620039/40101/504100	Electricity
Increase	\$1,500	to	62620039/40101/504101	Water
Increase	\$8,000	to	62620039/40101/407001	Intrfd Trf In
Increase	\$8,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$8,000	to	62620018/P50000241021/507001	Intrfd Trf Out

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2002-556 AIRPORT  
 Transfer funds to cover maintenance of Walter Jones Blvd and George Perry Drive. Maintenance for newly accepted roads as part of Yarbrough extension.

Increase	\$100,000	to	62620013/40101/503203	Pub Acs Maint
Increase	\$100,000	to	62620013/40101/407001	Intrafd Trf In
Increase	\$100,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$100,000	to	62620018/P50000241021/507001	Intrafd Trf Out

.....  
 \*Motion made, seconded and unanimously carried to approve budget transfer BT2002-561 COMMUNITY DEVELOPMENT

This transfer moves funds in the Community Development Contingency Account to the Acapulco Drive Parkway Improvements Project, a 27<sup>th</sup> Yr (2001-2002) Community Development project. The project was originally programmed for construction in the 28<sup>th</sup> Year. Availability of funds and the proximity of the Taxco Drive Parkway improvement project in the area that is programmed for construction this year will make the construction together more economically appropriate.

Decrease	\$24,730	from	71150069/G7127CD000107629/508027	Construction
Increase	\$ 500	to	71150069/G7127CD002707651/502302	Print Shop
Increase	\$ 100	to	71150069/G7127CD002707651/502304	Postage
Increase	\$ 1,980	to	71150069/G7127CD002707651/508021	Eng Adm
Increase	\$ 660	to	71150069/G7127CD002707651/508024	Testing
Increase	\$21,490	to	71150069/G7127CD002707651/508027	Construction

.....  
 \*Motion made, seconded and unanimously carried to award BT2002-598 COMMUNITY DEVELOPMENT  
 This budget transfer moves \$500 from the FY 2001 (26<sup>th</sup> Year) Contingency Account to the Pecan Grove Design grant, also a FY 2001 program project, to fully fund the contract for the Design Firm (MARGON).

Decrease	\$500	from	71150047/G7126CD000210007/508027	Construction
Increase	\$500	to	71150069/G7126CD002607622/508027	Construction



\*Motion made, seconded and unanimously carried to approve budget transfer BT2002-600 AIRPORT Adjustment for redesign of security checkpoint as a result of changes in security since 9/11.

Increase	\$600,000	to	62620028/PAP001441049/508016	Arch & Design
Decrease	\$150,000	from	62620028/PAP001441049/508027	Construction
Increase	\$450,000	to	62620028/PAP001441049/407001	Intrafd Trf In
Increase	\$450,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$450,000	to	62620018/P50000241021/507001	Intrfd Trf Out

\*Motion made, seconded and unanimously carried to approve budget transfer BT2002-621 ZOO  
Per contract with concessionaire, the zoo is responsible for heating and cooling system maintenance. Funding required for thorough cleaning of air duct system at zoo restaurant building. Dust storms and roosting of pigeons and other birds on roof has created problem with dirty ductwork. Contract also needed to clean roof mechanical equipment and net off access.

Increase	\$18,000	to	52152001/15445/407001	Intrafd Trf
Increase	\$18,000	to	52152002/15445/503200	Bldg Fac
Increase	\$18,000	to	52153027/P50024416340/407002	Est Rev
Increase	\$18,000	to	52153027/P50024416340/507001	Intrafd Trf

\*Motion made, seconded and unanimously carried to approve budget transfer BT2002-622 ZOO  
Funding needed to replace older rigid cage front to newer netting appropriate for ocelot animals. Plexiglas and miscellaneous other materials required to modify exhibit. New ocelots are part of Species Survival Plan related to zoo mission and international plan to save endangered and threatened species. Ocelots are native to Texas.

Increase	\$15,000	to	52152001/15445/407001	Intrafd Trf
Increase	\$15,000	to	52152002/15445/502226	Fac Maint Cont
Increase	\$15,000	to	52153027/P50024416340/407002	Est Rev
Increase	\$15,000	to	52153027/P50024416340/507001	Intrafd Trf

\*Motion made, seconded and unanimously carried to award BT2002-625 OMB  
Establish appropriations required for last phase of implementation consulting services for original modules and implementation thereof.

Increase	\$180,000	to	04250101/PMB000113027165/405000	Interest Earn
Increase	\$180,000	to	04250101/PMB000113027165/508010	DP/CompPur
Increase	\$ 75,000	to	04250201/PMB000213027203/405000	Interest Earn
Increase	\$ 75,000	to	04250201/PMB000213027203/508010	DP/CompPur

\*Motion made, seconded and unanimously carried to approve the following Building Services - refunds:

- A. Home Occupation license refund to Victor Ramirez in the amount of \$44.00.
- B. Food Service permit refund to Rene Gomez in the amount of \$250.00.
- C. Journeyman Mechanical license refund to Robert Martinez in the amount of \$20.00.
- D. Home Occupation license refund to Petra Reza in the amount of \$83.00.

\*Motion made, seconded and unanimously carried to approve the request of Pastor Rafael Juarez/Spirit Life Christian Center to use amplification (2 microphones, 4 speakers, 1 amp) at Album Park on May 11, 2002 from 1:00 p.m. to 4:00 p.m. Approximately 10 persons will use amplification and 50 spectators are anticipated. PERMIT NO. 02-044



\*Motion made, seconded and unanimously carried to approve the request of Pastor Rafael Juarez/Spirit Life Christian Center to use amplification (2 microphones, 4 speakers, 1 amp) at Album Park on May 25, 2002 from 1:00 p.m. to 4:00 p.m. Approximately 10 persons will use amplification and 50 spectators are anticipated. PERMIT NO. 02-045

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\*Motion made, seconded and unanimously carried to approve the request of The Texas Shrine Association to hold a Shrine Unit Parade on June 8, 2002 from 10:00 a.m. to 12:00 noon. Route: Start at Cotton and Overland, proceed west on Overland to El Paso, right on El Paso to San Antonio, west on San Antonio, right on Santa Fe traveling north to area around Franklin and Santa Fe for dispersing. Approximately 600+ persons and 175-200 vehicles will take part and 2,000 spectators are anticipated. PERMIT NO. 02-048

.....  
\*Motion made, seconded and unanimously carried to approve the request of City of El Paso Arts Resources Department and El Paso Museum of Art to use amplification (two to four 300-watt amps) at Arts Festival Plaza every Friday from May 17, 2002 thru August 30, 2002 from 3:30 p.m. to 8:00 p.m. Approximately 3 to 45 persons will use amplification and 500 spectators per concert are anticipated. PERMIT NO. 02-052

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\*Motion made, seconded and unanimously carried to approve the request of Lee Elementary School PTA to hold a bicycle parade on May 11, 2002 from 9:30 a.m. to 11:00 a.m. Route: Start at 7710 Pandora Lee School parking lot), exit parking lot on Vulcan, west to Howard to Sierra Vista, east on Tetons to Mt. Baldy, east on Hercules to Pandora, south on Pandora to Lee School parking lot. Approximately 200 persons and 200 bicycles will take part. PERMIT NO. 02-053

.....  
Motion made by Representative Rodriguez, seconded by Representative Escobar and carried to postpone one (1) week an Ordinance amending Ordinance No. 14996 (which created Tax Increment Financing District Number Two (No. 2), by amending Section 9.1 concerning the composition of the Board of Directors and Section 12 concerning the taxes to be included in the Tax Increment Fund, and providing a severability clause.

Representatives Sumrall and Power were not present for the vote.  
Representatives Sariñana and Cobos voted Nay.

Mr. Jaime Perez, Citizens for Good Government, requested the item be reconsidered. He expressed his concerns on the Tax Increment Financing Districts Number Two and Three and asked Council to repeal them. He said we do not see the need for tax increment financing districts and a moratorium on development. He stated the BHI was intended to be a catalyst within the medical field and to be an information intermediary. He added the fact that Texas Tech has already received acreage for their medical schools and they have also made it public that they are more than happy to house the BHI because the BHI does not require that much space.

Mr. Perez went on to say that there is a glut of empty buildings not only in the downtown area but also a tremendous amount of lease space. He also stated El Paso has a very strong medical corridor beginning with UTEP all the way down to Texas Tech and Thomason. He stated it makes more sense to integrate through internet capability and cabling to bring all hospital and educational institutions to the table; to co-locate the BHI as was envisioned in the feasibility study with Texas Tech in the medical school and that makes everyone happy and the residents can feel comfortable that they will not be displaced and the discussion about the potential of eminent domain can be closed. He encouraged Council to take a look at the facts and do away with the TIF Districts.

Representative Cobos asked Ms. Rita Rodriguez, City Attorney, whether the tax increment financing district would give a greater authority to a governmental agency to go in and condemn properties to the status quo which would be eminent domain and condemnation.



Ms. Rodriguez responded it does not give a greater authority; a municipality/public entity has the authority to, once it finds a public reason for eminent domain, to go forward.

Representative Cobos stated he was under the impression a TIF District would give a greater authority; it would make the condemnation process easier.

Ms. Rodriguez responded that the same rules apply. She stated that pursuant to a TIF District a municipality/public entity can sell to a private business where you develop them and then be able to sell them to a private instead of a public business.

Representative Cobos stated then the main difference is the governmental agency would not be required to develop it themselves; we could turn around and sell it to a private developer.

Ms. Rodriguez responded he was correct and that the City can do that if we buy the property without eminent domain.

Representative Sumrall stated that we are getting ahead of ourselves by believing there will be condemnations. She commented on the need for the community to come together to support the BHI and the BHI needs to be located where Texas Tech can have access to it.

Representative Sariñana discussed and distributed a feasibility report on the Border Health Institute. He said he took it upon himself to research this item and commented that Mr. Perez forgot to mention that this will only create 60 to 65 jobs.

Mr. Perez stated that this will only create 69 executive mid-level jobs and that all they are asking is that until there is a report, council should take a step back and eliminate the TIF's.

Representative Escobar commented that people are speculating and that it seems that everyone is just throwing out a lot of information to benefit their position. He commented that it is sad that this has turned out to be ugly and dirty politics.

Mr. Arturo Huerta, Chairman of the EPCC Board of Trustees, stated that the El Paso Community College voted and subsequently was in full support of the BHI. He asked everyone to support the BHI concept.

Representative Cobos asked Mr. Huerta whether the Community College was participating in the TIF and/or allowing the City to capture the tax increment.

Mr. Huerta responded that a meeting was held and it was determined that the EPCC Board would support the BHI TIF; however, further discussions would be held in regard to the downtown TIF. He stated that it was later decided that EPCC would not be included in the BHI TIF; however, EPCC continues to support the BHI.

Representative Cook explained that he was a participant in the 1998 Economic Summit and stated that the idea/notion of the BHI was mentioned. He remarked that the land space was available for the BHI and there was a very remote chance that individuals would be displaced. He explained that the TIF District would be to create a synergy with different taxing entities to allow improvements in the City's ability to raise monies so that the monies could be applied to specific projects. He stated the city already has the authority to condemn property for public use and gave an example. He said that does not mean that, because we have the power, we are going to declare eminent domain. He further stated Thomason Hospital has the same power; they displaced some people out of their homes to build the parking lot.



Representative Power expressed his concerns regarding City government utilizing TIF monies to seize properties to be sold to the private sector. He went on record to say that he sees the TIF District not as a money generator but as the City's ability to seize properties and then to subsequently sell the properties to the private sector.

Mayor Caballero asked Mr. Bill Chapman, Chief Financial Officer, to address the question of whether the TIF would raise taxes.

Mr. Chapman responded no, specifically in TIF District Number Two the assessed valuation has been declining. He explained that TIFs would fix the tax rate and revenues at the time of the adoption of the TIF District and would not raise property taxes. He explained that any additional revenue generated by improvements to the area would go toward the TIF District, in addition to improving the same district.

Ms. Sylvia Borunda-Firth, Assistant City Attorney, asked that the item be postponed one week. She explained that the City Attorney's office was awaiting the County's signature on the contract. The contract would allow them to waive their participation.

Representative Sumrall left the meeting during this discussion.

Motion made by Representative Rodriguez, seconded by Representative Escobar and carried to postpone one (1) week an Ordinance amending Ordinance No. 14999 (which created Tax Increment Financing District Number Three (No. 3), by amending Section 9.1 concerning the composition of the Board of Directors and Section 12 concerning the taxes to be included in the Tax Increment Fund, and providing a severability clause.

Representatives Sumrall and Power were not present for the vote.  
Representatives Sariñana and Cobos voted Nay.

\*Motion made, seconded and unanimously carried to postpone four (4) weeks an Ordinance changing the zoning of a Portion of Tract 5C9, Block 2, ASCARATE GRANT, El Paso, El Paso County, Texas (6342 Airport Road) from C-1/sc (Commercial/special contract) to C-3/sc (Commercial/special contract). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: William J. Tomberlin / Representative: David Etzold, 6006 N. Mesa, Suite 110, El Paso, TX 79912 ZC-01074

\*Motion made, seconded and unanimously carried to postpone two (2) weeks an Ordinance granting Special Permit No. SU-01020, to allow for a planned residential development with reduced lot widths and setbacks on Tracts 2, 3 and 5, Section 16, Block 79, TSP 3, T&PRR SURVEYS, El Paso, El Paso County, Texas (Southeast corner of Joe Battle Blvd. and Vista Del Sol Drive), pursuant to Section 20.12.040 (Zoning) of the El Paso Municipal Code. ZONE: R-3/A (Residential). Applicant: Gateway Estates 5 Joint Venture/ Representative: ATCON Engineering & Surveying, El Paso, TX. 79935.

Motion made by Representative Medina, seconded by Representative Rodriguez and unanimously carried to postpone two (2) weeks An Ordinance changing the zoning of Tract 3-B, U. S. GOVERNMENT NO. 3, El Paso, El Paso County, Texas (6951 Delta Drive) from R-4 (Residential) to C-1 (Commercial) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant / Representative: Raymond Tellez, 10100 Honolulu Dr., El Paso, TX 79925. ZC-01045

Representative Sumrall was not present for the vote.



Ms. Pat Adatao, Director of Planning, discussed the zoning change for Council Member's information and noted that the DCC (Development Coordinating Committee) recommended approval of the rezoning subject to a Detailed Site Development Plan and the CPC (City Plan Commission) voted 6-0 in favor of the rezoning. The Department has not received written opposition to the request; however, Mr. Cisneros, 6951 Alameda, had questions regarding parcel ownership.

Representative Medina explained that Mr. Cisneros claims the property belongs to a federal government agency.

Ms. Cindy Crosby, Assistant City Attorney, explained that Mr. Cisneros had raised the issue regarding parcel ownership issue before and that the case had been postponed several times at the CPC level. She explained that the attorney representing Mr. Tellez had provided a Title Commitment and Findings of Fact and Conclusions of Law which substantiated Mr. Tellez as the owner of the property. She explained that there may be confusion regarding the physical address as Central Appraisal District records state that 6951 Delta was owned by Mr. Cisneros; however, when rezoning properties the City utilizes legal descriptions not City municipal address.

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Motion made by Representative Cobos, seconded by Representative Medina and unanimously carried to postpone one (1) week an Ordinance changing the zoning of Lot 16 and the North 4 Feet of Lot 17, Block 273, CAMPBELL ADDITION, El Paso, El Paso County, Texas (1012 North Campbell) from A-2 (Apartment) to S-D (Special Development) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: PAE Properties, Inc. / Representative: Ron Pate, 505 E. Rio Grande, El Paso, TX. 79902. ZC-02006

Representative Sumrall was not present for the vote.

Ms. Pat Adatao, Director of Planning, explained the zoning case for Council Members information and noted that the request was to place an advertising office on the site. She noted that the DCC (Development Coordinating Committee) voted to approve the rezoning provided that the applicant pave the area where the parking would be provided as well as that portion of the alley abutting the property all the way to Rio Grande Avenue. The CPC (City Plan Commission) recommended 6-0, with staff recommendations, to approve. She remarked that the department had not received any opposition of the rezoning.

Representative Cobos asked if the residents around the area received word of the case.

Ms. Pat Adatao, Director of Planning, explained that they all received mailings providing them with the information and inviting them to the City Plan Commission meetings.

.....  
ORDINANCE 15081

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. SU-02002 TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 11-15, BLOCK 140, CAMPBELL ADDITION, EL PASO, EL PASO COUNTY, TEXAS (702 EAST PAISANO DRIVE), PURSUANT TO SECTION 20.64.175, AND THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Ms. Pat Adatao, Director of Planning, explained the Special Permit for Council Members' information and noted that this was a request to reduce parking. She said the DCC (Development Coordinating Committee) and the CPC (City Plan Commission) recommended in favor. She explained that a traffic study was submitted with the application and the findings have been made by City Engineering that adequate on-street parking was available within a 300 foot radius adjacent to the site that would permit 68 additional parking spaces. She noted, for the record, that the Department had not received any opposition.



Motion duly made by Representative Cobos, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Cook, Power, Escobar and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representatives Sumrall, Medina and Sariñana were not present for the vote.

At this time, a motion was made by Representative Cook, seconded by Representative Power and carried to retire into Executive Session. See pages 33 and 34 for action on the executive session items.

Motion made by Representative Cook, seconded by Representative Medina and unanimously carried to delete an Ordinance imposing a moratorium on PSB impact fees, until a third party agency conducts a thorough, financial audit of the PSB to determine actual costs and impacts of new development.

Representative Sumrall was not present for the vote.

Representative Cook commented that any impact fees will have to be determined by the City Council and every single person has an impact on the water system.

Representative Medina added that the PSB makes the comparison to other cities and communities based on per capita income, their tax base, development procedures and urban sprawl issues.

Mayor Caballero thanked Representative Cook for his comments and noted that the PSB would present a well-developed study, of which the Council would either accept or reject.

Mr. Gilbert Moreno, Chairman of the Public Service Board, stated that it was incumbent on the PSB to provide the facts for the community and that the PSB would do what was right for the City.

Representative Cook commended Mr. Moreno for serving on the Board for the last 10 years.

Representative Escobar also commended Mr. Moreno and noted that prior to bringing the Agreement to Council, the PSB should invite all interested parties to participate so that a consensus regarding the impact fees might be reached.

Mr. Moreno made further comments.

Mr. Ho Baron, citizen, prepared information packets for Council Members regarding Urban Sprawl and asked Council Members to investigate the topic of urban sprawl.

Mr. Ruben Reyes, El Paso County Green Party, made comments regarding urban sprawl and the impacts on the community.



Mr. Kris Johnson, student, commented on treating developers fairly; however, he questioned whether the impact fees were a device by which the developers were trying to develop the City as they saw fit. He explained that it would be difficult to find another City to compare with El Paso due to El Paso being a border city and other issues.

.....  
ORDINANCE 15082

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO CREATE THE CLASS OF HYDROGEOLOGICAL SPECIALIST**

Representative Rodriguez asked for elaboration.

Ms. Terry Bond, Director of Personnel, explained that the position would be within the Water Utilities Department, doing field work, collecting data, recording information, analyzing data; a technical position with the Water Utilities.

Mr. Ed Archuleta, General Manager for the Public Service Board/El Paso Water Utilities, explained in more detail.

Motion duly made by Representative Medina, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None                                      Absent: Council Member Sumrall

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
ORDINANCE 15083

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8065, CIVIL SERVICE RULES AND REGULATIONS, RULE 17, EMPLOYEES SEEKING PUBLIC OFFICE, TO ALLOW EMPLOYEES TO SEEK ELECTIVE OFFICES THAT ARE NOT FINANCIALLY COMPENSATED**

Representative Sariñana questioned whether the item had gone through the referendum process. Ms. Rita Rodriguez, City Attorney, explained that it was not necessary to do so as the item was not a City Charter change.

Ms. Terry Bond, Director of Personnel, explained that the changes were recommended by the Civil Service Commission and introduced Mr. Roger Corona from the Civil Service Commission. She noted that representatives from ASCME and the El Paso Employee's Association were available for questions.

Representative Cook questioned whether current City employees held positions in elected office(s).

Ms. Bond responded yes and explained that the amendment to the Ordinance would allow employees, in managerial positions, to run for public offices without pay.



Mr. Roger Corona, Civil Service Commission member, explained that the Ordinance would allow City employees to run for school boards, as long as he/she does not receive any pay. He continued that this would allow talented City employees the opportunity to become a bigger part of the community.

Ms. Rodriguez clarified that City employees could not participate in municipal elections; however, they can participate in County and District Court judge elections, partisan elections, etc.

Representative Medina commented on the County employee's ability to participate in County elections which causes dissention among the employees.

Ms. Bond clarified that present policy does not allow managers and supervisors to run for office; however, with the passage of the Ordinances, this would allow individuals in positions of management and supervision to run for office(s).

Representative Power questioned whether there was any opposition to the Ordinance(s).

Mr. Corona responded that public hearings were held for approximately two months. He explained that the employees needed direction as to what they could or could not do.

Representative Escobar questioned how the public felt about the changes.

Mr. Corona responded only a few number of members of the public attended the public hearings and he noted that there was no opposition.

Representative Sariñana questioned the employees not being allowed to participate in municipal elections. He added that once an employee was "off the clock", the employees should be able to do what they want.

Ms. Rodriguez responded this applies to off-work hours also and added this was not to penalize, but rather protect the employees. She explained that the City wanted to afford the employees the protection from representatives or elected municipal judges from pressuring the employees to work on their campaigns during non-working hours.

Motion duly made by Representative Cook, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None                      Absent: Council Member Sumrall

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 15084

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8065, CIVIL SERVICE RULES AND REGULATIONS, RULE 15, SUSPENSION, REDUCTION, DISCHARGE, SECTION 1, CAUSES OF SUSPENSION, REDUCTION OR DISCHARGE, SUBSECTION I, TO CHANGE THE TYPES OF POLITICAL ACTIVITIES PROHIBITED**

Representative Medina questioned the reasoning behind the Ordinance.

Ms. Terry A. Bond, Interim Director of Personnel, explained that prior to this Ordinance, an employee could be discharged for participating in political activities. This will remove the penalty.



Motion duly made by Representative Cook, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: Council Member Sumrall

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15085

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.12 (FOOD AND FOOD HANDLING ESTABLISHMENTS), SECTION 9.12.010 (DEFINITIONS), AND SECTION 9.12.070 (LICENSE – FEE – TERM) TO CHANGE THE DATES DESIGNATING THE DISCONTINUANCE OF THE NON-POTENTIALLY HAZARDOUS FOODS PERMIT. THE PENALTY BEING AS PROVIDED IN SECTION 9.12.890 OF THE EL PASO MUNICIPAL CODE.**

Mr. David Sublasky, Environmental Health Manager, Health District, was present and made comments.

Motion duly made by Representative Cook, seconded by Representative Medina that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: Council Member Sumrall

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

\*Motion made, seconded and unanimously carried to delete the Public hearing to determine if the property located at 8032 Glendale Avenue in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of record as of March 7<sup>th</sup>, 2002, Armando Ortega, 8449 Lasso Circle, El Paso, Texas 79907-4420, and also 8032 Glendale Avenue, El Paso, Texas 79907, has been notified of the violations at this property. There are no taxes owed.

Motion made by Representative Sariñana, seconded by Representative Cook and carried to postpone four (4) weeks the public hearing to determine if the property located at 7667 Elliott Drive in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of record as of February 25, 2002, Luis Fernandez, 7667 Elliott Drive, El Paso, Texas 79915, and Mark T. Davis, Substitute Trustee, 8517 Lockheed Drive, El Paso, Texas 79925-1218, have been notified of the violations at this property. There are \$471.33 in delinquent taxes due on this property.

Representatives Sumrall and Medina were not present for the vote.

Mr. Thomas Maguire, Building Services Department, was present to comment and answer questions. He presented visual slides of the property in question and gave the department's recommendation.



Mr. Ricardo Martin, new property owner, stated that he had just bought the property and asked for an extension of time to board the property. Mr. Cook agreed and made the above motion.

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Motion made by Representative Escobar, seconded by Representative Cobos and carried to postpone two (2) weeks the public hearing to determine if the property located at 8756 Coloma Circle in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of record as of March 7<sup>th</sup>, 2002, Rosemary L. Graf, 2309 Wheeling Avenue, El Paso, Texas 79930-1513, and also 8756 Coloma Circle, El Paso, Texas 79907, has been notified of the violations at this property. There are \$1,400.32 in delinquent taxes due on this property.

Representative Sumrall was not present for the vote.

Mr. Tom Maguire, Building Services, was present to comment and answer questions. He presented visual slides of the property in question and gave the department's recommendation.

Representative Escobar questioned whether the property might be rehabilitated.

Mr. Maguire responded that the structure leaked and there were slight structural problems, such as the floors being soft, but could be repaired.

.....  
RESOLUTION

WHEREAS, the Building Official and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 349 Maricela Drive, in El Paso, Texas, which property is more particularly described as follows:

Lot: 13 Exc. S 2 ft., Block 26, Thomas Manor #10

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Elvira Dora Valenzuela, 349 Maricela Drive, El Paso, Texas 79915, record Owner, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on May 7<sup>th</sup>, 2002; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
  - c. The structure's certificate of occupancy is hereby revoked; and



- d. That the structure can be repaired. However, the dilapidated accessory structures can not be repaired; and
1. That the City Council hereby orders Owner to comply with the following requirements:
    - a. That the Building be secured within (30) days; and
    - b. The dilapidated accessory structures must be demolished within 30 days; and
    - c. That the premises be cleaned of all weeds, trash and debris within (30) days; and
    - d. That a public hearing be scheduled for July 2, 2002, in the City Council chambers to determine, if the Council order has been complied with and, if not, to determine penalties; and
    - e. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
    - f. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
    - g. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure, demolish the accessory structures, and clean the premises of all weeds, trash, and debris; and
  3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Deputy Director of Building Services shall secure the primary Building and demolish the accessory structures and maintain the primary Building secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
  4. That said Owner shall become personally liable for all costs incurred by City in connection with demolishing the accessory structures and securing and maintaining the primary Building secure and cleaning the premises of all weeds, trash and debris; and
  5. That the costs incurred by the City in connection with demolishing the accessory structures and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
  6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
    - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
    - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
    - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
  7. That upon failure of the Owner, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and



8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Services Department, was present to comment and answer questions. He presented visual slides of the property in question and gave the department's recommendation. He explained that the recommendation was only to demolish a shed (accessory structure) that was built in the back of the house and to secure the main home.

Motion made by Representative Sariñana, seconded by Representative Cobos and carried to accept the department's recommendation(s) and adopt the above resolution.

Representative Sumrall was not present for the vote.

.....  
Motion made by Representative Power, seconded by Representative Cobos and carried to delete the discussion and action on plans to eliminate handicapped ramp lift system in the swimming pool at the Multipurpose Center located on Viscount Boulevard. (Representative Power)

Mr. Ray Cox, Parks and Recreation Department, stated that the Parks Department was able to locate the original vendor who had installed the original floor lift and explained that the vendor would install a new one.

Representatives Sumrall and Escobar were not present for the vote.

.....  
Motion made by Representative Power, seconded by Representative Sariñana and carried to approve Conditional "B" building permits for Loma Linda Unit Two, based on the developer's statement that further delays may negatively impact employment in the building trades and create an economic hardship.

Mr. Terry Williams, Deputy Director of Building Services, explained the requirements for Conditional "A" and Conditional "B" building permits.

Representative Power stated to the developer that he must show economic hardship or a public need in order that Council Members may approve or not approve.

Mr. Patrick Bombach, JNC Land Co. Inc., apologized for his absence from City Council meeting last week and explained that the subdivision was complete, all the utilities have passed final inspection and noted that the company was granted Conditional "A" acceptance and has begun to build on 50% of the subdivision. He stated that final approval was requested April 22, 2002; however, the cause of the delay was due to administrative backlog in both his office and the City's Building Services Department. He noted that his



company provides hundreds of jobs throughout the City and stated that if the Conditional "B" was not approved it would negatively impact these individuals.

Representatives Sumrall and Escobar were not present for the vote.

.....  
Motion made by Representative Power, seconded by Representative Cobos and carried to approve the appeal by Juan P. Rodriguez at 1906 Lee Trevino Suite C on the denial of a license for the sale of alcoholic beverages due to the business' proximity to a school in accordance with Section 20.08.090(B)(1) and 20.08.090(B)(4) of the El Paso Municipal Code. The determination was made by Council based on the fact that it would create undue hardship on the applicant and that it does not serve the intended purpose.

Mr. Terry Williams, Deputy Director of Building Services, explained that the business was located 120 feet from Hanks High School and noted that the Ordinance requires businesses not be closer than 300 feet from a school, day care, church or public hospital. He stated that the business was a proposed restaurant seeking a license for beer and wine sales.

Representative Power stated that the TABC had already approved the license for the sale of liquor based upon the TABC's measurements. He noted that he would have an objection if the business was intended to be a bar; however, it is a sit down restaurant.

Mr. Williams reminded Representative Power of the necessity to make one of the following findings: not in the best interest of the public, inefficient use of land or resources and undue hardship on the applicant, does not serve the intended purpose, is non-effective or necessary.

Representative Power moved that it was undue hardship and does not serve the intended purpose and questioned the name of the restaurant for the record.

Ms. Irma Yvonne Gandara and Juan Pedro Rodriguez spoke and stated it would be called El Mezon Mexican and Marisco Restaurant. Ms. Gandara stated that she had been in the restaurant and marisco business for 30 years.

.....  
Motion made by Representative Cook, seconded by Representative Medina and carried to postpone one (1) week the discussion and action regarding the appeal by Porfirio Salcedo at 2418 Dyer on the denial of a license for the sale of alcoholic beverages due to the business' proximity to a commercial daycare in accordance with Section 20.08.090(B)(1) and 20.08.090(B)(4) of the El Paso Municipal Code.

Representative Rodriguez, Representative Medina, Representative Cook, Representative Power, Representative Escobar and Representative Sariñana voted Aye.

Representative Cobos voted Nay.

Representative Sumrall was not present for the vote.

Mr. Terry Williams, Deputy Director of Building Services, explained that the business was a Tejano night club. He stated that the applicant was requesting a change in the current liquor license to mixed beverage in the late hours license. He noted that the Building Services Department had issued a beer and wine license in October; however, the license was issued in error and was suspended pending today's outcome. He noted that the reason the license was issued in error was due to the previous tenant going out of business for more than a year, which resulted in the loss of the non-conforming status as related to the next door commercial daycare.

Representative Rodriguez explained that the location has a history of businesses opening and closing which brings unwanted activity in the neighborhood. She moved to deny, Representative Sariñana seconded.



Mr. Jackie Flores, owner of the building, introduced Mr. Porfirio Salcedo, business owner, and gave Council Members background information regarding the liquor licenses and noted that the location had been a nightclub and/or bar for more than 25 years. He noted that 80% of the licenses issued for this location had been mixed beverage permits. He said the owner also took it upon himself to contact the neighbors to see if they had any objections.

Mr. Williams stated in measuring from the door of the bar establishment to the property line of the daycare center was 30 feet.

Representative Cook questioned whether the daycare facility had opened prior to the bar.

Mr. Williams responded that there had been a liquor licensed establishment at this location for over 20 years, on and off. He added that the daycare came in after.

Mr. Flores explained that the bar opens after 5:30 p.m. and the daycare closes at 5:00 p.m., he believed.

Mayor Raymond C. Caballero asked Mr. Williams if possibly the daycare center opened for business at a time when the bar establishment may not have been in operation.

Mr. Williams responded no, the daycare center opened at the time when the bar establishment was in operation.

Representative Cobos questioned whether there had been instances where the daycare had been affected by the bar establishment's operations.

Mr. Williams responded not that he was aware, but the complaints would have been addressed by the Police Department. He stated that the daycare operators were invited to the City Council meeting today to speak; however, there was no response.

Representative Cobos questioned Mr. Salcedo as to after he was approved his initial permit, did he spend monies to rehabilitate/renovate the building.

Mr. Flores spoke on behalf of Mr. Salcedo and responded that Mr. Salcedo spent over \$10,000.00 to equip the building, after he received the initial permit. He interjected the measurements as being across the alley and he showed Council Members a diagram.

Representative Medina had several questions regarding this item.

At this time the vote to deny was taken with the following results: Representative Rodriguez, Representative Medina, Representative Sariñana voted Aye.

Representative Cook, Representative Power, Representative Escobar and Representative Cobos voted Nay. The vote was 3 in favor and 4 opposed. The Motion did not pass.

Representative Cobos moved to approve to appeal, Representative Cook seconded.

Representative Power interrupted the vote taken and questioned Mr. Williams regarding the distance requirement and wondered whether the same distance requirements were imposed of the daycare center.

Mr. Williams responded that the daycare had the option of locating wherever it wanted but what the restriction pertains to was the sale of alcoholic beverages. He explained the "grandfathering" option.



Representative Power explained that when the bar went out of business for more than one year, the liquor license was no longer in effect. Representative Power stated that in light of information provided by Mr. Williams he would change his vote.

A motion was made, seconded and carried to postpone one week, which superceded the other motions.

.....  
Motion made by Representative Cobos, seconded by Representative Power and carried to approve the appeal rendered by the El Paso Historic Landmark Commission for the item, 905 Upson, heard on April 17, 2002.

Ms. Patricia Adatao, Director of Planning, explained that the application was a request by Ms. Raquel Duran, 905 Upson, to install two lampposts, each having three lanterns. She stated the Historic Landmark Commission voted to approve a single lamppost with a frosted single globe on the lamppost and the applicant was appealing the decision as she has already purchased the lampposts and expended \$550.00 for the installation. She explained that there are no existing specific guidelines, in the Sunset Heights Historic District; however, the guidelines from the Manhattan Heights Historic District were used. She referred to pictures in Council Members backup, which noted that other residences in the Sunset Heights Historic District have single lampposts with multiple lanterns. She explained that the Historic Landmark Commission determined, due to the narrowness of the lot, a single lamppost would provide adequate lighting.

A member of the Planning Department translated for Ms. Duran and explained she would like to install the two lampposts so that the lampposts would be symmetrical at the approach of the building.

Mayor Raymond C. Caballero questioned what the objection to the lampposts was.

Ms. Adatao explained it was several factors as Ms. Duran was requesting two lampposts and the Historic Landmark Commission felt one lamppost was sufficient and also that the number of lanterns on the lampposts was excessive.

Representative Cobos stated that lampposts not only offer light but are aesthetically pleasing and moved to approve.

Ms. Adatao reiterated that Ms. Duran had already expended \$550.00 to purchase the lampposts and she stated for the record that the Department had recommended in favor of the request; however, the Historic Landmark Commission denied the request.

Mayor Caballero suggested that when Historic Landmark Commission appeals are requested that the public be allowed to give their views.

Representative Sumrall was not present for the vote.

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Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to delete the discussion on Sun Metro Service. (M. Saucedo)

M. Saucedo was not present to comment; therefore the item was deleted.

.....  
No action was taken on the presentation on "Border Health Issues in El Paso County: A Working Blueprint" by TEAM El Paso Healthcare Council. (Richard Fleager)

Mr. Richard Fleager, Vice-President of Southern Union Gas and Chairman of the Healthcare Council, explained the history of the Healthcare Council and invited everyone to attend the meetings and participate



in various subcommittees. He introduced Mr. Alex Almanzan, Manager of Programs and Research at the Greater El Paso Chamber of Commerce, and Ms. Ann Marie Mazingo, Director of Public Policy, at the Greater El Paso Chamber of Commerce. Mr. Fleager commented on the benefits of the TEAM El Paso Healthcare Council and asked for the City's Support.

Mayor Caballero commended Mr. Fleager and the Healthcare Council and stated that Council would support the mentioned issues. He noted that the Council had addressed health insurance issues when awarding bids.

A copy of Mr. Fleager's presentation is on file in the City Clerk's Office.

.....  
No action was taken on the presentation by the PSB General Manager on the proposed water conservation ordinance changes.

Mr. Ed Archuleta, General Manager El Paso Water Utility and Public Service Board, introduced Mr. Gilbert Moreno, Chairman of the Public Service Board, Mr. Nick Costanzo, Chief Financial Officer, Mr. Robert Andron, General Counsel and Ms. Anai Padilla, Water Conservation Manager- PSB; Mr. Danny Salazar, member of the Public Working Committee and Executive Director of the El Paso Association of Homebuilders, Mr. Lamar Skarda, President of the El Paso Carwash Association, and Mr. Ray Ponteri, CEO and President of the Savings Association, Dr. Douglas Rittmann, carwash consultant. Mr. Archuleta conducted a visual presentation on the proposed water conservation Ordinance changes. The presentation was filed with the City Clerk's Office. He commented on the recommendations for water conservation initiatives in place as of March 1, 2002. He pointed out that due to September 11, Section 15.13.120 was added as requested by the City Attorney's office, in order to allow the PSB to "move quicker" in the event of an emergency. He stated that the PSB had made numerous changes since September 11 to include conducting a vulnerability assessment in the future, based on a federal grant, provided to large utilities to further investigate vulnerability. Mr. Archuleta fielded questions from City Council Members.

Mr. Charlie McNabb, Chief Administrative Officer, interrupted Mr. Archuleta and clarified that on September 11, he had received a call from the Governor's office in regard to a possible threat to the City's water supply. Following that conversation he spoke with Mr. Archuleta and recommended that he shut off the intake from the river into the water supply in order to prevent a possible water emergency. He then requested that the Mayor order a water emergency, which restricted lawn watering, filling of swimming pools, etc. He noted that there was not ample time to convene a Board and in the event of an emergency it would be necessary to authorize an individual to make quick, sound decisions.

Representative Cook would be agreeable to the Ordinance; however, he suggested that there be language which would declare what the forecasted emergencies might encompass. He noted that as the Ordinance was written today the language was not clearly defined. He noted that, as a matter of record, the City Council needed to have more power over the PSB.

Mr. McNabb suggested that if changes were made, he would suggest limiting the time period. He stated that he would send the Ordinance to the City Attorney's office to address setting time restraints regarding water issues during emergency events. He addressed the statement regarding Council Members having more power over the PSB as it was not an issue of having power over the PSB but rather power over the citizens not to waste water during an emergency.

Representative Cobos questioned how many citations were issued during the last water emergency.

Ms. Padilla noted that no citations were written; however, warnings were given to the citizens.



Mr. McNabb interjected and stated Ms. Padilla's statement was incorrect and noted that citations were issued during the time period; however, the citations were dismissed due to the City's not receiving the PSB's recommendations.

Ms. Padilla commented; however, inaudibly.

Mr. McNabb explained that during emergencies the City would need to have the power to address emergency situations.

Mayor Raymond C. Caballero hypothetically questioned Mr. Archuleta as to what would happened if the PSB shut the water off, even though an emergency order was not issued.

Mr. Archuleta responded that due to a limited storage capacity the water resource would eventually run out. He agreed with Mr. McNabb's statement regarding a possible terrorist threat the decision to shut off the water supply must be made in a swift manner.

Mr. McNabb clarified it was noted that during the last water emergency citations were issued without the PSB's recommendations. He explained that with the PSB's recommendation the question of enforcement is not longer applicable and in order to enact a regulation, the City must be able to enforce it.

Representative Cobos commented that individuals might continue to water their lawns during a water emergency which would subsequently lead to a written citation.

Mr. McNabb agreed.

Representative Power agreed with Representative Cook's statement; however, he questioned whether a State law existed authorizing the Governor to issue a water emergency.

Mr. Nabb clarified that due to the language which stated that a recommendation of the Public Service Board was necessary, the enforcement of citations was questionable. He explained that following the last water emergency it was made clear the necessity to have the capability of quickly acting in an emergency situation. He added he would direct the City Attorney's office to limit the time period.

Ms. Theresa Caballero, citizen, commented on the issue of the City's water supply and noted that any individual who assumes complete power over that resource had a lot of authority. She noted that the item on the Agenda suggested that the City Attorney's office was asking City Council members to give sole authority to the Mayor to declare a water emergency. She noted that there were no limitations placed on it to include the definition of an emergency and she questioned why should the Mayor be given authority to bypass the Public Service Board when declaring a water emergency. She commented on the limiting of grass types allowable by the Public Service Board. She asked that Council Members allow the homeowner to decide what type of grass would be planted.

Representative Medina read a portion of the proposed Ordinance "amending Section 15.13.120 to delete the requirement that the Mayor obtain the recommendation of the Public Service Board prior to declaring a water emergency". He would like to add other language but was interrupted by the Mayor who stated that suggested modifications be submitted to the City Attorney's office.

.....  
Motion made by Representative Cook, seconded by Representative Rodriguez and carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:



- A. An Ordinance amending Title 15 (Public Services), Chapter 13 (Water Conservation Ordinance) of the City of El Paso Municipal Code to require commercial car washes issued building permits for construction after June 1, 2002, to use no more than fifty (50) gallons of water per vehicle washed; to provide that for new residential sites after June 1, 2002, no turf grass shall be used for more than fifty percent (50%) of the total site; to provide that for new commercial sites after June 1, 2002, no turf grass shall be used for more than thirty-three and one-third percent (33 1/3%) of the total site; to provide that the water conservation office of the El Paso Water Utilities shall maintain a list of the only approved turf grasses for use within the City; and amending Section 15.13.120 to delete the requirement that the Mayor obtain the recommendation of the Public Service Board prior to declaring a water emergency; and make other water conservation changes; and providing an effective date.
- B. An Ordinance providing for the issuance of City of El Paso, Texas, General Obligation Refunding Bonds, Series 2002, in the aggregate principal amount of \$58,570,000; levying a tax in payment thereof; prescribing the form of said bonds; approving a purchase contract, approving the official statement; and enacting other provisions relating thereto.
- C. An Ordinance permitting Jesus Ontiveros to use a portion of Eastwood Album Park from 2:00 PM until 4:00 PM on May 25, 2002 for a birthday party. Fee: \$60.00

**PUBLIC HEARING WILL BE HELD ON MAY 21, 2002 FOR ITEMS A - C**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's Office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Representative Sumrall was not present for the vote.

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**After the vote was taken Mr. Bill Chapman, Chief Financial Officer for the City, Mr. Norman Gordon, Bond Counsel for the City, and Mr. Steven Adams, Financial Advisor, First Southwest Company, expressed a desire to discuss item B above.**

Ms. Rita Rodriguez, City Attorney, advised that the Introduction of the Ordinance would need to be reconsidered.

Motion made by Representative Medina, seconded by Representative Escobar and carried to reconsider the Introduction of an Ordinance providing for the issuance of City of El Paso, Texas, General Obligation Refunding Bonds, Series 2002, in the aggregate principal amount of \$58,570,000; levying a tax in payment thereof; prescribing the form of said bonds; approving a purchase contract, approving the official statement; and enacting other provisions relating thereto.

Representative Sumrall was not present for the vote.

Mr. Bill Chapman, Chief Financial Officer, explained that the City would be refunding \$58,000,000.00 of Bonds and noted that Mr. Steven Adams and Mr. Norman Gordon were present to answer questions.

Mr. Steven Adams, First Southwest Company, stated that the Ordinance would allow the City the opportunity to refund \$58,000,000.00 in Bonds. He referred to backup material provided to Council Members and made comments to the Bonds and the coupon rates that would be refunded. He stated that the City would not be extending the debt but rather structuring the savings so that over the next two years



the City would have the same INS tax rate. He discussed the calendar of events for the refunding of the Bonds and remarked that refunding was the same as refinancing.

Representative Cobos commended Mr. Chapman for a job well done.

Mr. Adams clarified who the Underwriter's and the Bond counsel firms were.

Motion made by Representative Cook, seconded by Representative Rodriguez and carried to approve the Introduction of an Ordinance providing for the issuance of City of El Paso, Texas, General Obligation Refunding Bonds, Series 2002, in the aggregate principal amount of \$58,570,000; levying a tax in payment thereof; prescribing the form of said bonds; approving a purchase contract, approving the official statement; and enacting other provisions relating thereto.

Representative Sumrall was not present for the vote.

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**ADDITION TO THE AGENDA**

**\*RESOLUTION**

**CITY OF EL PASO, TEXAS RESOLUTION IN SUPPORT OF THREE VITAL TRANSPORTATION INFRASTRUCTURE PROJECTS FOR EL PASO AND FURTHER SUPPORTING SUBMISSION TO THE TEXAS TRANSPORTATION COMMISSION AT ITS MEETING MAY 30, 2002 OF THE THREE PRIORITY PROJECTS FOR COMMISSION APPROVAL AND ACTION.**

**WHEREAS**, the El Paso City Council strongly supports improved regional transportation infrastructure projects and the necessary State funding to accomplish said projects; and

**WHEREAS**, the Transportation Policy Board (TPB) for the El Paso Metropolitan Planning Organization (MPO) on December 10, 2001 unanimously endorsed three vital transportation infrastructure projects, described herein below, for presentation to the Texas Transportation Commission (TTC) for consideration and action; and

**WHEREAS**, on May 30, 2002, El Paso will send a delegation to the Texas Transportation Commission in Austin to petition the Commission to complete the levels of IH-10 at the Loop 375 Interchange, Complete Phase III of Alameda Street by adding sidewalks and lighting and adding two general purpose lanes to IH10 West from Mesa to Transmountain.

**WHEREAS**, these projects will aid in the flow of commercial traffic, enhance public safety and help the El Paso region address its rapid growth and infrastructure needs;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS THAT:**

• **Project #1 – Interstate 10 at Loop 375**

The improvements to the interchange will be done in five (5) levels, similar to the Spaghetti Bowl. One level has already been completed, and the funds would complete the remaining four (4). This interchange includes the entire area around Joe Battle Blvd. and Americas Avenue. (\$145,695,648)



- **Project #2 – Phase III of Alameda from Delta to Coronado**  
Construct Phase III of a seven (7) phase project. This includes right-of-way acquisition for drainage, sidewalks, lighting, traffic signals and public transit amenities. (\$10,164,000)
- **Project #3 – Interstate 10 West from Mesa to Transmountain**  
Add two (2) general-purpose lanes to I-10 between Mesa and Transmountain. This will make a total of six (6) lanes. (\$43,560,000)

The City Clerk is instructed that an original of this Resolution be communicated to the Texas Transportation Commission in time for their regular meeting of May 30, 2002.

.....  
\*RESOLUTION

**WHEREAS**, The Convention and Visitors Bureau has proposed to have a fireworks display commemorating the Grand Opening of the newly renovated and expanded El Paso Convention Center; and

**WHEREAS**, the Convention and Visitors Bureau has secured the proper permits and licenses from the El Paso Fire Department and the El Paso Building Services Department; and

**WHEREAS**, pursuant to the International Fire Code, permission is required to be granted by all affected owners near or around any proposed fireworks display; and

**WHEREAS**, the City of El Paso, as Owner of the Convention Center, City Hall, the El Paso Museum of Art, the Golden Age Center and other area properties, is an affected owner, pursuant to the International Fire Code;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the El Paso Convention and Visitors Bureau be authorized to stage a fireworks display in the East parking lot of City Hall on May 10, 2002, in order to commemorate the Grand Opening Ceremonies for the newly renovated and expanded El Paso Convention Center; and that the Mayor be authorized to sign any related documentation, approving of such fireworks display, as an affected owner.

.....  
\*RESOLUTION

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute the following Independent Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in fiscal year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**CAROLINA RECREATION CENTER**

**DEPARTMENT ID: 51510073, ACCOUNT 502214**

- |    |              |  |
|----|--------------|--|
| 1. | CONTRACTOR:  | Rebecca Becerra, Bodyworks (Aerobics) Instructor |
|    | DATES:       | May 13, 2002, thru August 31, 2002               |
|    | RATE PER CL: | \$15.70  |
|    | MAXIMUM AMT: | \$1,695.60                                       |
|    | CONTRACT:    | 2001/2002-157                                    |



2. CONTRACTOR: Ricardo Lerma, Boxing Skills Instructor  
DATES: May 13, 2002, thru August 29, 2002  
RATE PER CL: \$8.80  
MAXIMUM AMT: \$598.40  
CONTRACT: 2001/2002-158

**SAN JUAN REC REATION CENTER**  
**DEPARTMENT ID: 51510123, ACCOUNT 502214**

3. CONTRACTOR: Marcela Macias, Dance Instructor  
DATES: May 2, 2002, thru August 29, 2002  
RATE PER CL: \$7.90  
MAXIMUM AMT: \$316.00  
CONTRACT: 2001/2002-159
4. CONTRACTOR: Juan David Martinez, Guitar Instructor  
DATES: May 20, 2002, thru August 26, 2002  
RATE PER CL: \$17.80  
MAXIMUM AMT: \$284.80  
CONTRACT: 2001/2002-160
5. CONTRACTOR: Juan David Martinez, Piano Instructor  
DATES: May 9, 2002, thru August 29, 2002  
RATE PER CL: \$8.90  
MAXIMUM AMT: \$320.40  
CONTRACT: 2001/2002-161
6. CONTRACTOR: Arnold Varela, Kickboxing Instructor  
DATES: May 1, 2002, thru August 28, 2002  
RATE PER CL: \$9.55  
MAXIMUM AMT: \$382.00  
CONTRACT: 2001/2002-162

.....  
\*Motion made, seconded and unanimously carried to appoint George Ingram to the City Employees Pension Fund Board by Mayor Raymond C. Caballero.

.....  
\*Motion made, seconded and unanimously carried to approve Change Order No. Two (Scope) JAR Concrete for "Mesa Terrace Subdivision" for an increased amount of \$157,441.00. (1) To replace deteriorated sanitary sewer main & services. (2) Maintain traffic control & dust control. (3) Adjust meter boxes at Huckleberry & Quitman. (4) Adjust driveway & relocate backflow preventor at 5001 Quitman.

.....  
Motion made by Representative Cook, seconded by Representative Power and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071 CONSULTATION WITH ATTORNEY  
Section 551.072 DELIBERATION REGARDING REAL PROPERTY  
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS  
Section 551.074 PERSONNEL MATTERS  
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES



- A. Rafael Navarette, 02-A-002
- B. City of El Paso vs. Days Inn Motel, Cause No. 99TX550
- C. Mosher Enterprises, Inc. vs. Far West Insurance Company and the City of El Paso, Texas, Cause No. 2001-005, Our File No. 01-S-49 and DH Underground, Inc. vs. Far West Insurance Company and the City of El Paso, Texas, Cause No. 2000-4295, Our File No. 01-S-50
- D. Regarding docket number 2001-0363-AIR-E with Texas Natural Resource Conservation Commission (TNRCC)

Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

Motion made by Representative Cook, seconded by Representative Escobar and carried to postpone one (1) week Rafael Navarette, 02-A-002

Representative Sumrall was not present for the vote.

Motion made by Representative Medina, seconded by Representative Cook and carried to accept the recommendation of Delgado Acosta Spencer Linebarger Heard & Perez, LLP to not appeal the trial courts decision regarding suit Cause No. 99TX550, City of El Paso vs. Days Inn Motel.

Representative Sumrall was not present for the vote.

Motion made by Representative Cook, seconded by Representative Escobar and carried to postpone one (1) week Mosher Enterprises, Inc. vs. Far West Insurance Company and the City of El Paso, Texas, Cause No. 2001-005, Our File No. 01-S-49 and DH Underground, Inc. vs. Far West Insurance Company and the City of El Paso, Texas, Cause No. 2000-4295, Our File No. 01-S-50


Representative Sumrall was not present for the vote.

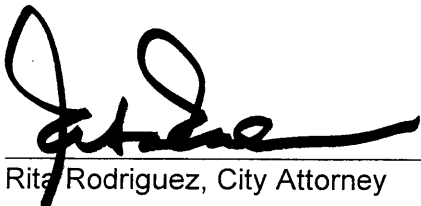
Motion made by Representative Medina, seconded by Representative Cook and carried that the amended claim by the Texas Natural Resource Conservation Commission (TNRCC) against the City of El Paso, TNRCC docket number 2001-0363-AIR-E, be **SETTLED** in its entirety as recommended by the City Attorney; and that the Mayor be authorized to sign, on behalf of the City, any related documentation.

Representative Sumrall was not present for the vote.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to adjourn this meeting at approximately 1:23 p.m.

APPROVED AS TO CONTENT: APPROVED AS TO FORM:

  
Richarda Duffy Momsen, City Clerk

  
Rita Rodriguez, City Attorney



